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9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 FACEBOOK, INC.,

15 Plaintiff,

16 v.

17 POWER VENTURES, INC., a Cayman Island  
corporation; STEVE VACHANI, an individual;  
18 DOE 1, d/b/a POWER.COM, DOES 2-25,  
inclusive,

19 Defendants.  
20

Case No. 5:08-cv-05780 JW

**DECLARATION OF MONTE COOPER  
IN SUPPORT OF STIPULATION AND  
[PROPOSED] ORDER ENLARGING  
TIME PURSUANT TO CIVIL LOCAL  
RULE 6-2**

Dept: Hon. James Ware  
Judge: 15, 18th Floor

1 I, Monte Cooper, hereby declare and state as follows:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel  
3 of record to Facebook, Inc. in the above-captioned matter. I make this declaration based on my  
4 personal knowledge, unless otherwise noted. If called, I can and will testify competently to the  
5 matters set forth herein.

6 **A. The Reasons For The Parties' Mutual Request For Enlargement Of Time**

7 1. On February 16, 2012, this Court ordered the parties to submit, by March 2, 2012,  
8 supplemental briefing on two topics related to the Court's order granting Facebook's Motions for  
9 Summary Judgment. Dkt. No. 276. The two topics subject to supplemental briefing concern the  
10 amount of damages to which Facebook is entitled, and Defendant Steve Vachani's individual  
11 liability. *Id.* at 19.

12 2. Meanwhile, on February 24, 2012, Magistrate Judge Spero resolved three pending  
13 discovery motions in Facebook's favor, and awarded Facebook sanctions. Dkt. No. 279. As part  
14 of these sanctions, Magistrate Judge ordered defendant Power Ventures to appear on Wednesday,  
15 February 29, 2012, for a further deposition pursuant to Fed.R.Civ.P. 30(b)(6). *Id.*

16 3. The parties agree that the information obtained at the Rule 30(b)(6) deposition  
17 should be used as part of the supplemental briefing ordered by the Court. Defendant  
18 Steve Vachani is the witness which Power Ventures intends to designate to testify on the Rule  
19 30(b)(6) topics. Mr. Vachani currently resides in Brazil.

20 4. The parties jointly agree that in order to ensure that all of the other discovery that  
21 Magistrate Judge Spero ordered be produced by Defendants is available for use with the  
22 supplemental briefing ordered by this Court, the February 24 and March 2 deadlines each should  
23 be extended an additional week. The brief extension should enable the parties to jointly resolve  
24 any remaining issues, and provide more detailed supplemental briefs. Facebook and the  
25 Defendants each therefore join in a Stipulated request to change the current deadline for taking  
26 the Rule 30(b)(6) deposition of Vachani to March 7, 2012, and for filing supplemental briefs to  
27 March 9, 2012.

## B. Previous Time Modifications

5. This case schedule has been modified nine times, but never previously by stipulation of the parties.

6. The original Case Scheduling Order was filed December 12, 2008. The initial Case Management Conference in this case was scheduled for April 15, 2009. Subsequently, the Court rescheduled the Case Management Conference for April 17, 2009. Thereafter, the parties stipulated, and the Court ordered, to extend to the initial Case Management Conference to 45 days after the Court's ruling on the pending motion to dismiss. The Court subsequently rescheduled the Case Management Conference for January 29, 2010. The Court then rescheduled the Case Management Conference for August 20, 2010. The Case Management Conference was again rescheduled for August 23, 2010. Thereafter, the Court reset the Conference to August 24, 2010. On August, 19, 2010, the Court modified the original scheduling order. Subsequently on July 14, 2011, the Court modified the original scheduling. On September 9, 2011 the Court again modified the original scheduling order and issued the current scheduling order in this case.

### C. Effect Of Requested Modification

7. The requested time modification will not have any effect on other deadlines in this case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 29th day of February 2012 at Menlo Park, California.

By: /s/ Monte Cooper /s/  
MONTE COOPER